

ASSOCIATION FOR **MAXIMUM SERVICE TELEVISION, INC.**



VIA ELECTRONIC FILING

February 23, 2010

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Ex Parte Communication
GN Docket Nos. 09-47, 09-137, 09-51

Dear Ms. Dortch:

On Monday, February 22, 2010, David Donovan, president of the Association for Maximum Service Television, Inc. ("MSTV") and Victor Tawil, MSTV's senior vice president, met with Rosemary Harold, legal advisor to Commissioner Robert McDowell. We discussed issues in the above-captioned proceeding.

We noted that as a local, wireless video system we are an important part of this nation's wireless ecosystem. As a point to multi-point wireless delivery system we have the most efficient architecture to deliver high quality video content simultaneously to millions of consumers. We discussed the problems associated with a repacking of the TV band, especially on the east coast and in congested markets.

We also observed that channel sharing proposals would preclude stations from providing HDTV, multicast services and mobile applications. While multiplexers may allow a station to shift bits from programs with little action to programs with significant action, such as professional football, this does not support the notion that channels should be subdivided among different owners. As noted in the record, for this system to work, each individual station must make critical decisions on how to best use its bit stream. This ability is lost if a station loses control of half its bit stream due to forced spectrum sharing proposals.

We noted that the Broadband Task Force's recommendation and any subsequent proceedings should not create an environment that impairs investment in new technology and services that are now being deployed. No materials were submitted at this meeting.

Sincerely,



David Donovan

CC: Rosemary Harold